

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

DMS IMAGING, INC., )  
                          )  
Plaintiff,            )  
                          )  
v.                     )  
                          ) No. 08-00360-CV-W-FJG  
DWYER INSTRUMENTS, INC., et al., )  
                          )  
Defendants.            )  
                          )

**ORDER**

Before the Court is Plaintiff DMS Imaging, Inc's Notice to Take A Video-Taped Deposition of Kyle Krause (Doc. No. 201, filed June 9, 2010).

The Court entered a Scheduling and Trial Order (Doc. No. 28) on June 17, 2008, and set April 1, 2010, as the deadline for close of discovery. The Amended Scheduling and Trial Order (Doc. No. 50) entered on November 19, 2008, and the Second Amended Scheduling and Trial Order (Doc. No. 78) entered on March 16, 2009, maintained the April 1, 2010, deadline for the close of discovery. On March 19, 2010, the Court granted the parties' Joint Motion for Extension of Time to Complete Discovery, and extended the deadline for close of discovery to June 1, 2010 (Doc. No. 177).

The Court entered an Order Requiring Certification of Completion of discovery (Doc. No. 200) on June 7, 2010, which required all parties to file a certification within 10 days from the date of the Order that all discovery has been completed and that this case is ready for further processing. To this date, no party has filed a certification. Instead, it is apparent from the docket entries that the parties are conducting discovery beyond the close of discovery without leave of the Court. See Doc. No. 201 (Notice to Take Deposition).

In this Court's opinion, discovery is closed. Accordingly, as the deposition of Kyle

Krause is scheduled after the close of discovery, and no party has provided any explanation as to why this deposition could not have taken place within the deadlines established by the Court's Scheduling and Trial Order, the deposition of Kyle Krause is **QUASHED**. If any party seeks to conduct further discovery in this matter or otherwise seeks to amend the Scheduling and Trial Order, they must show good cause pursuant to the provisions of Rule 16(b) of the Federal Rules of Civil Procedure before the Court will grant any such request.

**IT IS SO ORDERED.**

Date: 06/10/10  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge